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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,568	07/22/2003	Daisuke Suzuki	Q76655	6560

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EXAMINER

MOON, SEOKYUN

ART UNIT PAPER NUMBER

2629

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p>Application No. 10/623,568</p>	<p>Applicant(s) SUZUKI ET AL.</p>	
	<p>Examiner Seokyun Moon</p>	<p>Art Unit 2629</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 31 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): The rejection of claims 5-21, 23, 25, 26, and 28-49.  
6. ☒ Newly proposed or amended claim(s) 5 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 5-21, 23, 25, 26 and 28-49.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-4, 22, 24 and 27.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see the attached document.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

**AMR A. AWAD**  
**PRIMARY EXAMINER**



***Response to Arguments***

1. The amendment to the claim 5 filed on July 31, 2006 has been acknowledged and entered.

The rejection of claim 5 under 35 U.S.C. 112 1<sup>st</sup> paragraph has been withdrawn.

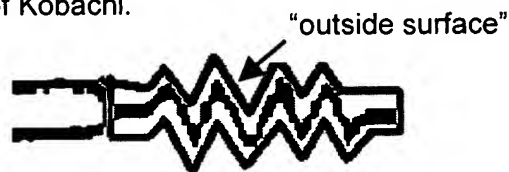
2. The Applicant's arguments, see pg 21 – pg 25, filed on July 31, 2006, with respect to the rejections of claims 5-21, 23, 25, 26, and 28-49 under 35 U.S.C. 103(a) have been fully considered and are persuasive.

The rejections of claims 5-21, 23, 25, 26, and 28-49 under 35 U.S.C. 103(a) have been withdrawn.

3. The Applicants' arguments regarding the rejections of claims 1-4 under 35 U.S.C. 102 (b), filed on July 31, 2006 have been fully considered but they are not persuasive.

The Applicants point out that the operating portion included in the input device of Fig. 27 of Kobachi is not fixed on the outside surface of the elastic sheet but is merely connected to the edge portion of elastic structure 2.

However, Examiner interprets that the outside surface of the elastic sheet is the exterior surface of the elastic sheet and thus the outside surface includes the edge portion of the elastic sheet, as shown in drawing 1 provided below, which is equivalent to the elastic structure of the input device shown in Fig. 27 of Kobachi.



Drawing 1

Therefore, the input device of Fig. 27 of Kobachi teaches the claim limitation, *"a sliding key that is fixed on the outside surface of said elastic sheet."*

4. The Applicants' arguments regarding the rejections of claims 22, 24, and 27 under 35 U.S.C. 103(a), filed on July 31, 2006 have been fully considered but they are not persuasive.

The claim limitation "*a sliding key is fixed on the outside surface of said elastic sheet*" discloses that the sliding key is always on the outside surface of the elastic sheet and is not operable when the key is apart from the outside surface of the elastic sheet.

Therefore, there is nothing in the references that precludes the Examiner from implementing Kobachi's elastic member on Yasuda since the combination will still minimize the friction as required by Yasuda.

August 22, 2006

S.M.